

EXHIBIT 259

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 SHERMAN DIVISION

4 Civil Action No. 4:20-cv-00957-SDJ

5 - - - - -
6 THE STATE OF TEXAS, et al., :
7 :
8 Plaintiffs, :
9 :
10 v. :
11 :
12 GOOGLE LLC, :
13 :
14 Defendant. :
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10 The deposition of GUARIONEX DÍAZ MARTÍNEZ,
11 called as a witness by the Defendant, pursuant to
12 the Federal Rules of Civil Procedure, before Saul
13 Berrios Batista, Notary Public for the
14 Commonwealth of Puerto Rico, and Dennis Zambataro,
15 Registered Professional Reporter, commencing on
16 May 1, 2024 at 10:07 a.m., at the Office of the
17 Attorney General for the Commonwealth of Puerto
18 Rico, San Juan, Puerto Rico.

26 Job No. CS6672002

Page 2

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Page 37

1 that form the basis of the claims in the fourth
2 amended complaint; is that right?

3 MR. BATES: Objection to form.

4 THE WITNESS: Just as Puerto Rico
5 being part of the nationwide market. If
6 there's any other plaintiff states, I
7 wouldn't say it like that.

8 But I'm disagreeing, too, that we
9 didn't have any other facts to add to the
10 complaint than the ones that are common
11 to the plaintiff states and we've
12 designated the attorney of Texas.

13 BY MS. BAYOUMI:

14 Q. So Puerto Rico is not relying on any
15 facts that are unique to Puerto Rico to support
16 the claims in the fourth amended complaint; is
17 that correct?

18 A. I wouldn't say it like that because
19 there's harm, you know, and there was an effect
20 in the nationwide market, including Puerto Rico.

21 Q. Well, you testified that you're
22 relying on facts that are common to all of the
23 plaintiff states, including Texas; is that
24 right?

25 A. Yes. Yes.

Page 38

1 Q. And does Puerto Rico have any
2 independent factual basis for its deceptive
3 trade practice claims?

4 A. No.

5 Q. For its federal antitrust claims, is
6 Puerto Rico proceeding as parens patriae?

7 A. I am sorry, what was the question?

8 Q. For it's federal antitrust claims,
9 is Puerto Rico proceeding as parens patriae?

10 A. Yes -- no, I'm sorry. I'm a little
11 confused about that. Sorry.

12 Yes, I would say yes.

13 Q. And on whose behalf?

14 MR. BATES: Objection to the form.

15 THE WITNESS: I mean, its general
16 welfare and the economy and as parens
17 patriae, yes.

18 BY MS. BAYOUMI:

19 Q. What do you mean by the "general
20 welfare and the economy"?

21 MR. BATES: Objection to form.

22 THE WITNESS: I don't understand the
23 question.

24 MS. BAYOUMI: Sure.

25 BY MS. BAYOUMI:

Page 39

1 Q. You testified that Puerto Rico is
2 proceeding as parens patriae on behalf of the
3 general welfare and the economy.

4 A. Yeah.

5 Q. Who do you mean when you say "The
6 general welfare and the economy"?

7 MR. BATES: Same objection.

8 THE WITNESS: Just that -- that we
9 are -- what I mean is that we're alleging
10 harm to the general economy and general
11 welfare, yeah.

12 BY MS. BAYOUMI:

13 Q. Are there any specific groups that
14 you mean when you say "general welfare and
15 general economy"?

16 A. Users, consumers in Puerto Rico,
17 advertisers, publishers in Puerto Rico.

18 Q. Have any of these groups complained
19 to Puerto Rico about Google's advertising
20 technology business?

21 A. I don't have complaints from -- in
22 the Department of Justice from them.

23 Q. And for its federal antitrust
24 claims, is Puerto Rico also proceeding in its
25 sovereign capacity?

Page 45

1 state court?

2 MR. BATES: Objection to form.

3 THE WITNESS: I can't answer that
4 question without sharing mental
5 impressions and attorney work product.

6 BY MS. BAYOUMI:

7 Q. Puerto Rico is not seeking relief on
8 behalf of state agencies or other state
9 entities; is that right?

10 A. Yes, that's correct. That's
11 correct.

12 Q. The alleged harm to Puerto Rico's
13 general welfare and economy is based on
14 publishers and advertisers allegedly
15 experiencing decreased revenue, lower quality,
16 and higher prices; is that right?

17 MR. BATES: Objection to form.

18 THE WITNESS: I'm sorry, let me
19 clarify the previous question. As long
20 as whatever is the consumer user of the
21 Internet and advertisers, right, the
22 relief Puerto Rico is seeking is
23 injunctive relief, civil penalties and
24 attorney's fees and costs.

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Page 46

1 BY MS. BAYOUMI:

2 Q. But that's not on behalf of state
3 agencies or state entities; is that correct?

4 THE WITNESS: If you mean that
5 like --

6 MR. BATES: Objection to form.
7 THE WITNESS: -- proprietary damages
8 of specific state agencies, no.

9 Could you repeat the question?
10 MS. BAYOUMI: Okay.

11 BY MS. BAYOUMI:

12 Q. So the alleged harm to Puerto Rico's
13 general welfare and economy is based on
14 publishers and advertisers allegedly
15 experiencing decreased revenue, lower quality
16 and higher prices; is that correct?

17 MR. BATES: Objection to form.
18 THE WITNESS: We have designated the
19 testimony from Texas on those -- on a
20 common factual basis.

21 BY MS. BAYOUMI:

22 Q. Does Puerto Rico have a sense of how
23 widespread this impact is in the state?

24 A. Nationwide.

25 Q. But it doesn't have -- but Puerto

Page 47

1 Rico doesn't have an idea of how widespread the
2 impact alleged in the fourth amended complaint
3 is in Puerto Rico?

4 MR. BATES: Objection to form.

5 THE WITNESS: I mean, besides
6 knowing that the effect of those conducts
7 were nationwide and Puerto Rico is a
8 market within -- and that seeing how the
9 Internet is ubiquitous, it is everywhere
10 in Puerto Rico, we see users of the
11 Internet and advertisers, publishers in
12 that whole of Puerto Rico, yeah.

13 BY MS. BAYOUMI:

14 Q. So as you sit here today, you can't
15 tell me how many Puerto Rican advertisers have
16 been affected by the conduct alleged in the
17 fourth amended complaint; is that right?

18 A. Right now, I don't have a specific
19 number. But I mean, discovery is ongoing,
20 expert reports is forthcoming, and we are sure
21 that the effects and the harm is nationwide.

22 Q. And as you sit here today, you can't
23 tell me how many Puerto Rican publishers have
24 been affected by the conduct alleged in the
25 fourth amended complaint; is that right?

Page 53

1 of the types of in-state consumers affected by
2 the alleged conduct?

3 A. Same -- same answer.

4 Q. So Puerto Rico doesn't have an
5 understanding of the types of consumers within
6 Puerto Rico that have been harmed by the alleged
7 conduct; is that right?

8 A. I mean, potentially, every user of
9 the Internet has been harmed.

10 Q. And how did you come to that
11 understanding?

12 A. Again, factual common basis of the
13 investigation, Puerto Rico have designated the
14 testimony of Texas for those purposes.

15 Q. And so you testified that the types
16 of in-state consumers that might be affected by
17 the alleged conduct could be all Internet users;
18 is that right?

19 A. Yes.

20 Q. And does Puerto Rico have an
21 understanding of how much or what that number
22 might be?

23 MR. BATES: Objection to form.

24 THE WITNESS: I mean, besides the
25 testimony of Mr. Gordon from Texas,

1 COURT REPORTER'S CERTIFICATE

2 I, DENNIS ZAMBATARO, Certified Court
3 Reporter in the United States of America, do hereby
4 certify that the foregoing is a true and correct
5 transcript of the proceedings had in the within
6 entitled and numbered cause, in the Commonwealth of
7 Puerto Rico, in the City of San Juan, on the date
8 and time noted on the cover page.

9 I do further certify that the foregoing
10 transcript has been prepared under my direction.

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